

EEOC Form 5 (11/09)

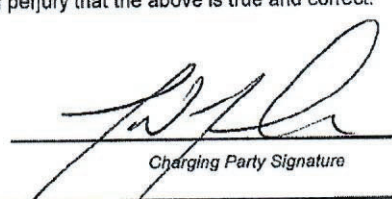
CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 532-2020-01130	
_____ and EEOC _____ <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Mr. John J. Donohoe on behalf of myself and all others similarly situated		Home Phone (Incl. Area Code) (216) 630-9142	Date of Birth 5/29/1966
Street Address 874 Beechers Brook Rd.		City, State and ZIP Code Mayfield Village, Ohio 44143	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name City of Cleveland (Division of Fire)		No. Employees, Members 100+	Phone No. (Include Area Code)
Street Address 601 Lakeside Ave.		City, State and ZIP Code Cleveland, OH 44114	
Name <div style="border: 1px solid black; padding: 5px; text-align: center;">RECEIVED FEB 10 2020</div>		No. Employees, Members	Phone No. (Include Area Code)
Street Address <div style="border: 1px solid black; padding: 5px; text-align: center;">EEOC-CLFO</div>		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest Feb. 2, 2018 Feb. 2, 2020 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I am a Caucasian male, and have been employed by Respondent's Division of Fire since 1994. Currently I hold the rank of Fire Lieutenant. In 2017, Respondent administered, and I sat for, a promotional examination for the rank of Captain in the Fire Department. Sixty-six (66) candidates completed all portions of the Captain's exam. On February 2, 2018, Respondent released a ranked list of 52 candidates deemed to have passed the Captain's exam. Respondent utilized this list to make promotions to the Captain rank for a 2-year period (until February 2, 2020).</p> <p>In October 2018, I filed a charge with the Commission (No. 532-2019-00137) alleging that the exam was discriminatory, and that the selections made from the promotional list, by the time it would expire, will result in a discriminatory disparate impact against Caucasian individuals who seek promotion, including myself.</p> <p>CONTINUED ON NEXT PAGE</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Date 2-5-20		Charging Party Signature 	

EXHIBIT
17

EEOC Form 5 (11/09)

DONOHOE_000004

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

532-2020-01/30

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

CONTINUED FROM PREVIOUS PAGE (PAGE 2 OF 2)

Based upon information and belief, of the 66 individuals who completed all portions of the exam, 14 are African American, 49 are Caucasian, and 3 are unknown.

At the time the promotional list expired on February 2, 2020, Respondent promoted 22 individuals from this list to the rank of Captain. Upon information and belief, this group consisted of 13 Caucasians, 8 African Americans and 1 unknown.

Out of all African-American candidates who completed all portions of the exam, 57.14% (8 out of 14) were promoted to Fire Captain by Respondent. By contrast, out of all Caucasian candidates who completed all portions of the exam, only 26.53% (13 out of 49) were promoted to Fire Captain by Respondent.

Based upon the foregoing information, Caucasian candidates were promoted at a selection rate of only 46.43%, when compared to selection rate for African Americans. Because the selection rate for Caucasians is far less than 80%, Respondent's promotional process to Fire Captain violates the Four Fifts Rule as provided in the Uniform Guidelines on Employee Selection Procedures (UGES) adopted by the federal government in 1978. The Fire Captain promotion results, on their face, have statistical significance in favor of African-American candidates

Respondent has expressed a desire to increase minority representation in the officer rankings within the Division of Fire. I believe that Respondent unlawfully administered the promotional examination in a manner that would achieve its desired result of having a list of disproportionately high-ranked African-American candidates to select for promotion over the two-year duration that the promotional list will be viable.

I believe that I, along with others who are similarly situated, have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended. This discrimination is a result of disparate impact and/or intentional discrimination in the administration of the Captain's promotional exam.

RECEIVED

FEB 10 2020

EEOC-CLFO

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

2-5-20

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

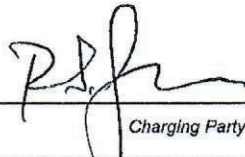
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

DONOHUE_000005

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION		Charge Presented To: Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
		532-2020-01131	
		and EEOC	
State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.)		Home Phone (Incl. Area Code)	Date of Birth
Mr. Robert Schoeniger on behalf of myself and all others similarly situated		(216) 233-0962	
Street Address		City, State and ZIP Code	
4158 W. 59th St.		Cleveland, Ohio 44144	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name		No. Employees, Members	Phone No. (Include Area Code)
City of Cleveland (Division of Fire)		100+	
Street Address		City, State and ZIP Code	
601 Lakeside Ave.		Cleveland, OH 44114	
Name		No. Employees, Members	Phone No. (Include Area Code)
FEB 10 2020			
Street Address		City, State and ZIP Code	
EEOC-CLFO			
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest Latest Feb. 2, 2018 Feb. 2, 2020 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I am a Caucasian male, and have been employed by Respondent's Division of Fire since 1996. Currently I hold the rank of Fire Lieutenant. In 2017, Respondent administered, and I sat for, a promotional examination for the rank of Captain in the Fire Department. Sixty-six (66) candidates completed all portions of the Captain's exam. On February 2, 2018, Respondent released a ranked list of 52 candidates deemed to have passed the Captain's exam. Respondent utilized this list to make promotions to the Captain rank for a 2-year period (until February 2, 2020).</p> <p>In October 2018, I filed a charge with the Commission (No. 532-2019-00139) alleging that the exam was discriminatory, and that the selections made from the promotional list, by the time it would expire, will result in a discriminatory disparate impact against Caucasian individuals who seek promotion, including myself.</p> <p>CONTINUED ON NEXT PAGE</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
2/3/20  Date Charging Party Signature		SIGNATURE OF COMPLAINANT	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (11/09)

SCHOENIGER_000002

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

532-2020-01131

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

CONTINUED FROM PREVIOUS PAGE (PAGE 2 OF 2)

Based upon information and belief, of the 66 individuals who completed all portions of the exam, 14 are African American, 49 are Caucasian, and 3 are unknown.

At the time the promotional list expired on February 2, 2020, Respondent promoted 22 individuals from this list to the rank of Captain. Upon information and belief, this group consisted of 13 Caucasians, 8 African Americans and 1 unknown.

Out of all African-American candidates who completed all portions of the exam, 57.14% (8 out of 14) were promoted to Fire Captain by Respondent. By contrast, out of all Caucasian candidates who completed all portions of the exam, only 26.53% (13 out of 49) were promoted to Fire Captain by Respondent.

Based upon the foregoing information, Caucasian candidates were promoted at a selection rate of only 46.43%, when compared to selection rate for African Americans. Because the selection rate for Caucasians is far less than 80%, Respondent's promotional process to Fire Captain violates the Four Fifths Rule as provided in the Uniform Guidelines on Employee Selection Procedures (UGES) adopted by the federal government in 1978. The Fire Captain promotion results, on their face, have statistical significance in favor of African-American candidates

Respondent has expressed a desire to increase minority representation in the officer rankings within the Division of Fire. I believe that Respondent unlawfully administered the promotional examination in a manner that would achieve its desired result of having a list of disproportionately high-ranked African-American candidates to select for promotion over the two-year duration that the promotional list will be viable.

I believe that I, along with others who are similarly situated, have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended. This discrimination is a result of disparate impact and/or intentional discrimination in the administration of the Captain's promotional exam.

RECEIVED

FEB 10 2020

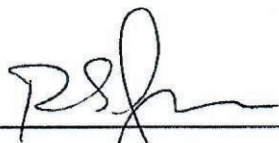
EEOC-CLFO

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

02/3/20

Date



Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 532-2020-01132	
_____ and EEOC State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Mr. John See on behalf of myself and all others similarly situated		Home Phone (Incl. Area Code) (216) 533-8216	Date of Birth _____
Street Address 12918 Old State Rd.		City, State and ZIP Code Huntsburg, Ohio 44046	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name City of Cleveland (Division of Fire)		No. Employees, Members 100+	Phone No. (Include Area Code) _____
Street Address 601 Lakeside Ave.		City, State and ZIP Code Cleveland, OH 44114	
Name _____		No. Employees, Members _____	Phone No. (Include Area Code) _____
Street Address _____		City, State and ZIP Code _____	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____		DATE(S) DISCRIMINATION TOOK PLACE Earliest: Feb. 2, 2018 Latest: Feb. 2, 2020 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I am a Caucasian male, who is also of Hispanic national origin, and have been employed by Respondent's Division of Fire since 1993. Currently I hold the rank of Fire Lieutenant. In 2017, Respondent administered, and I sat for, a promotional examination for the rank of Captain in the Fire Department. Sixty-six (66) candidates completed all portions of the Captain's exam. On February 2, 2018, Respondent released a ranked list of 52 candidates deemed to have passed the Captain's exam. Respondent utilized this list to make promotions to the Captain rank for a 2-year period (until February 2, 2020).</p> <p>In October 2018, I filed a charge with the Commission (No. 532-2019-001¹⁴) alleging that the exam was discriminatory, and that the selections made from the promotional list, by the time it would expire, will result in a discriminatory disparate impact against Hispanic individuals who seek promotion, including myself.</p> <p>CONTINUED ON NEXT PAGE</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT _____	
Date: 2/4/2020 Charging Party Signature: [Signature]		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (11/09)

SEE_000005

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

532-2020-0132

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

CONTINUED FROM PREVIOUS PAGE (PAGE 2 OF 2)

Based upon information and belief, of the 66 individuals who completed all portions of the exam, 14 are African American, 49 are Caucasian, and 3 are unknown.

At the time the promotional list expired on February 2, 2020, Respondent promoted 22 individuals from this list to the rank of Captain. Upon information and belief, this group consisted of 13 Caucasians, 8 African Americans and 1 unknown.

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Based upon the foregoing information, Caucasian candidates were promoted at a selection rate of only 46.43%, when compared to selection rate for African Americans. Because the selection rate for Caucasians is far less than 80%, Respondent's promotional process to Fire Captain violates the Four Fifths Rule as provided in the Uniform Guidelines on Employee Selection Procedures (UGES) adopted by the federal government in 1978. The Fire Captain promotion results, on their face, have statistical significance in favor of African-American candidates

Respondent has expressed a desire to increase minority representation in the officer rankings within the Division of Fire. I believe that Respondent unlawfully administered the promotional examination in a manner that would achieve its desired result of having a list of disproportionately high-ranked African-American candidates to select for promotion over the two-year duration that the promotional list will be viable.

I believe that I, along with others who are similarly situated, have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended. This discrimination is a result of disparate impact and/or intentional discrimination in the administration of the Captain's promotional exam.

RECEIVED

FEB 10 2020

EEOC-CLFO

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

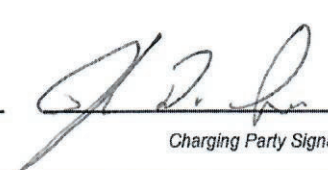
NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

2/4/2020
Date


Charging Party Signature

SEE_000006